

Serial No. 09/120,044  
Docket No. 1758-4036US2

newly made in the July 28, 2000 Office Action. Therefore, entry of the after final amendments are respectfully requested.

Response to Section 112, First Paragraph, Rejection

Claims 1-7, 22-26 and 31-34 were rejected under 35 U.S.C. § 112, first paragraph, for containing subject matter not described in the specification in a way to convey to a skilled artisan that applicants had possession of the invention. In light of the claim amendments, applicants respectfully disagree with this ground of rejection.

In particular, the Examiner contends that claims 1 and 2 describe a modified pneumolysin comprising an amino acid substitution "besides a substitution of threonine for isoleucine at amino acid 172"; a limitation for which the Examiner contends lacks support.

Applicants have deleted the recitation "besides a substitution of threonine for isoleucine at amino acid 172." Claims 1 and 2 now include the proviso "that the substitution is not solely a substitution of isoleucine for threonine at position 172." Applicants assert that the amendment is fully supported by the specification and, therefore, respectfully request reconsideration and withdrawal of this ground of rejection.

Claims 1-7, 22-26 and 31-34 were rejected under 35 U.S.C. § 112, first paragraph, for containing subject matter not described in a way to enable a skilled artisan to make or use the invention. In light of the claim amendments, applicants respectfully disagree with this ground of rejection.

In particular, the Examiner contends that the claims encompass a modified pneumolysin comprising an amino acid substitution "besides a substitution of threonine for isoleucine at amino

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acid 172." However, the Examiner contends there is no isoleucine at position 172 of type 14 pneumolysin to substitute with threonine.

Claims 1 and 2 have been amended to delete the recitation "besides a substitution of threonine for isoleucine at amino acid 172." Claims 1 and 2 now include the proviso "that the substitution is not solely a substitution of isoleucine for threonine at position 172." Applicants assert that the specification enables a skilled artisan to practice the full scope of the present claims. Therefore, reconsideration and withdrawal of this ground of rejection is respectfully requested.

#### AUTHORIZATION

No fee is deemed necessary in connection with the filing of this Communication. However, if any fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 13-4500, Docket No. 1758-4036US2. A DUPLICATE OF THIS COMMUNICATION IS ATTACHED.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

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By: Darryl H. Steensma  
Darryl H. Steensma  
Reg. No. 43,155

#### Mailing Address:

Morgan & Finnegan, L.L.P.  
345 Park Avenue  
New York, New York 10154  
(212) 758-4800  
(212) 751-6849 Telecopier